

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Felix Aguirre Montano,

Case No. 24-CV-00324 (JMB/LIB)

Petitioner,

v.

**ORDER**

Mark King,

Respondent.

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Felix Aguirre Montano, self-represented.

Ana H. Voss and Lucas B. Draisey, United States Attorney's Office, Minneapolis, MN,  
for Respondent Mark King.

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This matter is before the Court on the Report and Recommendation (R&R) of United States Magistrate Judge Leo I. Brisbois dated October 16, 2024. (Doc. No. 11.) The R&R recommends that Montano's petition for a writ of habeas corpus be denied on the grounds that Montano is subject to a final removal order and thus ineligible for the relief he requests. (*See* Doc. No. 8-2 at 1.) Neither party has objected to the R&R, and the time to do so has now passed. *See* D. Minn. L.R. 72.2(b)(1).

In the absence of timely objections, the Court reviews the R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The R&R (Doc. No. 11) is ADOPTED;

2. Felix Aguirre Montano's Amended Petition for Writ of Habeas Corpus (Doc. No. 6) is DENIED; and
3. The Court dismisses this action without prejudice.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: November 22, 2024

/s/ Jeffrey M. Bryan  
Judge Jeffrey M. Bryan  
United States District Court